

103D CONGRESS
1ST SESSION

H. R. 277

To amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. MAZZOLI introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Brady Handgun Vio-
5 lence Prevention Act”.

6 **SEC. 2. WAITING PERIOD REQUIRED BEFORE PURCHASE**
7 **OF HANDGUN.**

8 (a) IN GENERAL.—Section 922 of title 18, United
9 States Code, is amended by adding at the end the follow-
10 ing:

1 “(s)(1) It shall be unlawful for any licensed importer,
2 licensed manufacturer, or licensed dealer to sell, deliver,
3 or transfer a handgun to an individual who is not licensed
4 under section 923, unless—

5 “(A) after the most recent proposal of such
6 transfer by the transferee—

7 “(i) the transferor has—

8 “(I) received from the transferee a
9 statement of the transferee containing the
10 information described in paragraph (3);

11 “(II) verified the identification of the
12 transferee by examining the identification
13 document presented; and

14 “(III) within one day after the trans-
15 feree furnishes the statement, provided a
16 copy of the statement to the chief law en-
17 forcement officer of the place of residence
18 of the transferee; and

19 “(ii)(I) 7 days have elapsed from the date
20 the transferee furnished the statement, and the
21 transferor has not received information from
22 the chief law enforcement officer that receipt or
23 possession of the handgun by the transferee
24 would be in violation of Federal, State, or local
25 law; or

1 “(II) the transferor has received notice
2 from the chief law enforcement officer that the
3 officer has no information indicating that re-
4 ceipt or possession of the handgun by the trans-
5 feree would violate Federal, State, or local law;

6 “(B) the transferee has presented to the trans-
7 feror a written statement, issued by the chief law en-
8 forcement officer of the place of residence of the
9 transferee during the 10-day period ending on the
10 date of the most recent proposal of such transfer by
11 the transferee, which states that the transferee re-
12 quires access to a handgun because of a threat to
13 the life of the transferee or of any member of the
14 household of the transferee;

15 “(C)(i) the transferee has presented to the
16 transferor a permit which—

17 “(I) allows the transferee to possess a
18 handgun; and

19 “(II) was issued not more than 5 years
20 earlier by the State in which the transfer is to
21 take place; and

22 “(ii) the law of the State provides that such a
23 permit is to be issued only after an authorized gov-
24 ernment official has verified that the information
25 available to such official does not indicate that pos-

1 session of a handgun by the transferee would be in
2 violation of law;

3 “(D) the law of the State—

4 “(i) prohibits any licensed importer, li-
5 censed manufacturer, or licensed dealer from
6 transferring a handgun to an individual who is
7 not licensed under section 923, before at least
8 7 days have elapsed from the date the trans-
9 feree proposes such transfer; or

10 “(ii) requires that, before any licensed im-
11 porter, licensed manufacturer, or licensed dealer
12 completes the transfer of a handgun to an indi-
13 vidual who is not licensed under section 923, an
14 authorized government official verifies that the
15 information available to such official does not
16 indicate that possession of a handgun by the
17 transferee would be in violation of law; or

18 “(E) the transferor has received a report from
19 any system of felon identification established by the
20 Attorney General pursuant to section 6213(a) of the
21 Anti-Drug Abuse Amendments Act of 1988, that
22 available information does not indicate that posses-
23 sion or receipt of a handgun by the transferee would
24 violate Federal, State, or local law.

1 “(2) Paragraph (1) shall not be interpreted to require
2 any action by a chief law enforcement officer which is not
3 otherwise required.

4 “(3) The statement referred to in paragraph
5 (1)(A)(i)(I) shall contain only—

6 “(A) the name, address, and date of birth ap-
7 pearing on a valid identification document (as de-
8 fined in section 1028(d)(1)) of the transferee con-
9 taining a photograph of the transferee and a de-
10 scription of the identification used;

11 “(B) a statement that the transferee—

12 “(i) is not under indictment for, and has
13 not been convicted in any court of, a crime pun-
14 ishable by imprisonment for a term exceeding
15 one year;

16 “(ii) is not a fugitive from justice;

17 “(iii) is not an unlawful user of or addicted
18 to any controlled substance (as defined in sec-
19 tion 102 of the Controlled Substances Act);

20 “(iv) has not been adjudicated as a mental
21 defective or been committed to a mental institu-
22 tion;

23 “(v) is not an alien who is illegally or un-
24 lawfully in the United States;

1 “(vi) has not been discharged from the
2 Armed Forces under dishonorable conditions;
3 and

4 “(vii) is not a person who, having been a
5 citizen of the United States, has renounced
6 such citizenship;

7 “(C) the date the statement is made; and

8 “(D) notice that the transferee intends to ob-
9 tain a handgun from the transferor.

10 “(4) Any transferor of a handgun who, after such
11 transfer, receives a report from a chief law enforcement
12 officer containing information that receipt or possession
13 of the handgun by the transferee violates Federal, State,
14 or local law shall immediately communicate all information
15 the transferor has about the transfer and the transferee
16 to—

17 “(A) the chief law enforcement officer of the
18 place of business of the transferor; and

19 “(B) the chief law enforcement officer of the
20 place of residence of the transferee.

21 “(5) Any transferor who receives information, not
22 otherwise available to the public, in a report under this
23 subsection shall not disclose such information except to
24 the transferee, to law enforcement authorities, or pursuant
25 to the direction of a court of law.

1 “(6)(A) Any transferor who sells, delivers, or other-
2 wise transfers a handgun to a transferee shall retain the
3 copy of the statement of the transferee with respect to
4 the handgun transaction, and shall retain evidence that
5 the transferor has complied with paragraph (1)(A)(i)(III)
6 with respect to the statement.

7 “(B) Unless the chief law enforcement officer to
8 whom a copy of the statement is sent determines that a
9 transaction would violate Federal, State, or local law, the
10 officer shall, within 30 days after the date the transferee
11 made the statement, destroy the copy and any record con-
12 taining information derived from the statement.

13 “(7) For purposes of this subsection, the term ‘chief
14 law enforcement officer’ means the chief of police, the
15 sheriff, or an equivalent officer, or the designee of any
16 such individual.

17 “(8) This subsection shall not apply to the sale of
18 a firearm in the circumstances described in subsection (c).

19 “(9) The Secretary shall take necessary actions to as-
20 sure that the provisions of this subsection are published
21 and disseminated to dealers and to the public.”.

22 (b) HANDGUN DEFINED.—Section 921(a) of such
23 title is amended by adding at the end the following:

24 “(29) The term ‘handgun’ means—

1 “(A) a firearm which has a short stock and is
2 designed to be held and fired by the use of a single
3 hand; and

4 “(B) any combination of parts from which a
5 firearm described in subparagraph (A) can be as-
6 sembled.”.

7 (c) PENALTY.—Section 924(a) of such title is amend-
8 ed—

9 (1) in paragraph (1), by striking “paragraph
10 (2) or (3) of”; and

11 (2) by adding at the end the following:

12 “(5) Whoever knowingly violates section 922(s) shall
13 be fined not more than \$1,000, imprisoned for not more
14 than one year, or both.”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this Act shall apply to conduct engaged in 90 or more days
17 after the date of the enactment of this Act.

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